

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS**

**ELANDER WOODALL, Individually and  
on Behalf of All Others Similarly Situated**

Plaintiff,

v.

**EVERGREEN PACKAGING, LLC AND  
PACTIV EVERGREEN, INC.,**

Defendants.

Case No. 1:23-CV-459

Honorable Harry D. Leinenweber

**DEFENDANTS' UNOPPOSED SECOND MOTION FOR EXTENSION OF TIME TO  
FILE THEIR RESPONSE IN OPPOSITION TO CONDITIONAL CERTIFICATION**

Defendants EVERGREEN PACKAGING LLC and PACTIV EVERGREEN INC. (hereinafter “Defendants”), by and through their attorneys, move this Court for an extension of time, up to and including December 22, 2023, to file their response in opposition to Plaintiffs’ Motion for Conditional Certification. In support of their Motion, Defendants state as follows:

1. Plaintiffs filed their Complaint on January 25, 2023. [Dkt. 1].
2. On March 2, 2023, Defendants filed a Motion to Dismiss Plaintiffs’ Complaint. [Dkts. 10-11]. With Defendants’ Motion to Dismiss pending, on September 1, 2023, Plaintiffs filed their Motion for Conditional Certification. [Dkts. 16-17].
3. On September 6, 2023, this Court took Plaintiff’s Motion for Conditional Certification under advisement “until the ruling on the outstanding matters;” namely, Defendants’ Motion to Dismiss. [Dkt.19].
4. On October 19, 2023, the Court denied Defendants’ Motion to Dismiss. [Dkt 27].

5. On October 23, 2023, the Court entered the following briefing schedule on Plaintiffs' Motion for Conditional Certification – Defendants' Response due by November 13, 2023, and Plaintiffs' Reply due by November 20, 2023. [Dkt. 28].

6. On October 26, 2023, Defendants respectfully requested an extension of time to file their Response in Opposition to Plaintiffs' Motion for Conditional Certification. [Dkt. 31]. On November 7, 2023, the Court granted Defendants request for an extension, granting an extension to file the Opposition until December 11, 2023. [Dkt. 34]. Plaintiffs' Reply

7. Defendants require some additional to complete their investigation into Plaintiffs' allegations as asserted in the Motion for Conditional Certification and prepare their Response in Opposition.

8. Defendants respectfully request an additional eleven days to file their Opposition, up to and including December 22, 2023.

9. Counsel for Defendants reached out to Plaintiff's counsel to determine whether they opposed Defendants Motion and, as a professional courtesy, offered to provide reciprocal time for Plaintiff to reply to Defendants' Opposition. Plaintiff's counsel does not oppose Defendants' request for additional time.

10. This is Defendants' second request for an extension of time and this request for an extension of time is made in good faith and is not sought for the purpose of delay. Granting the requested extension will not unduly prejudice Plaintiffs.

WHEREFORE, Defendants, EVERGREEN PACKAGING LLC and PACTIV EVERGREEN INC. respectfully requests that this Court grant their Motion and extend the time for Defendants to file their opposition to Plaintiffs' Motion for Conditional Certification, up to and including December 22, 2023.

Dated: December 11, 2023

/s/ John A. Ybarra

By Their Attorneys

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**CERTIFICATE OF SERVICE**

The undersigned, an attorney, hereby certifies that on December 11, 2023, he caused a copy of the foregoing document to be electronically filed with the Clerk of the U.S. District Court, Northern District of Illinois, using the CM/ECF system, which sent notification via electronic mail of such filing to the following Counsel of Record:

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/s/ John A. Ybarra

John A. Ybarra